

Remarks

This Amendment is made responsive to the first and non-final Office Action, mailed August 12, 2004, in the present application. The Examiner has rejected claims 1, 4, 7, 9, 12-14, and 17-18 under 35 U.S.C. 102(b) and claims 2, 3, 5, 6, 10, 11, 15, 16, 19 and 20 under 35 U.S.C. 103(a). The Applicant respectfully traverses these rejections for the reasons discussed in detail below. Last, the Examiner deemed claim 8 allowable if claim 8 was rewritten in independent form. The Applicant has so amended claim 8 and respectfully requests allowance of same.

102 Rejections

Claims 1, 4, 7, 9, 12-14, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ike, U.S. Patent 5,054,112 (“Ike ‘112”). The Applicant respectfully traverses this rejection.

Ike ‘112 discloses a device with two wireless communication methods, as do many commonly known devices. For example, cell phones may include a cellular radio and an infrared port. Or a laptop may include three wireless methods of connection, such as an IEEE 801.11b radio, a Bluetooth radio, and an infrared port. Moreover, many laptop computers also include USB and PCMCIA ports that allow for additional wireless communication methods. Ike ‘112 discloses a wireless base station and wireless handset that each include both an RF radio and an electromagnetic induction radio. Both of these wireless communication channels are used to transmit identical information between the two devices, not as a means for initialization on a secondary communication link or connection in order to establish a primary wireless communication network connection.

Furthermore, the second induction radio is provided as a backup to the RF radio in case of transmission errors. There is no disclosure or teaching in Ike ‘112 of the induction radio being used to configure the RF radio or visa versa.

Moreover, Ike ‘112 discloses physical switches that simply switch data transmission between the two types of radios. The type of data being transferred is unchanged — not data to initiate a second, separate communication connection as claimed in the present invention. Here, the plugs invoke a “handshake” that is used to initiate a separate communication connection and that once the handshake connection is established and completed, the primary wireless connection takes over and the secondary connection link is terminated as claimed. The primary wireless communications means is configured and is used for all subsequent data transfers.

Thus, Ike '112 does not anticipate claims 1-3, 7, 9, 12-14, and 17-18 and this 102 rejection is respectfully requested to be withdrawn.

103 Rejections

Claims 2, 15, 16 are rejected under 35 U.S.C. 103 as being unpatentable over Ike '112 in view of Sodos et al., U.S. Patent. 5,280,623 ("Sodos '623"). Claim 3 is rejected under 35 U.S.C. 103 as being unpatentable over Ike '112 in view of Fishman et al., U.S. Published Patent Application 2003/00118887 ("Fishman '887"). Claim 10 is rejected under 35 U.S.C. 103 as being unpatentable over Ike '112 in view of Trost et al. U.S. Published Patent Application 2002/0151275 ("Trost '275"). And claims 11, 19, and 20 are rejected under 35 U.S.C. 103 as being unpatentable over Ike '112 in view of Tsai, U.S. Published Patent Application 2003/0153268 ("Tsai '268"). The Applicant respectfully traverses each of these 103 rejections, as well. It should be noted that claims 5 and 6 are rejected under 35 U.S.C. 103 as being unpatentable over Ike '112 in view of Rautila, U.S. Patent 6,714,797, but this rejection is now deemed moot in view that claims 5 and 6 have been cancelled.

Claims 2, 15, and 16 are nonobvious over Ike '112 in view of Sodos '623

Claims 2, 15, and 16 are nonobvious over Ike '112 and in view of Sodos '623. In addition to the fact that Ike '112 does not disclose or teach a secondary communication connection between two handshake plugs as a means for quickly configuring two wireless devices over a primary wireless communications network, Sodos '623 adds nothing to deter patentability of claims 2, 15, and 16. Sodos '623 is an electronic bus and has no relevance to a method or system for making a wireless connection. The Applicant concedes that Sodos '623 teaches equipment that can be used to transmit a bit or a byte of data. However, the additional dependent claims 2, 15, and 16 depend from a method or system that utilizes a secondary communication handshake between plugs located on two wireless devices that can transmit and receive data over a primary wireless communication network. Once the secondary communication link is established by the handshake between the plugs, primary wireless connection can take place between the two devices and the secondary communication link is terminated. This combination is not found, taught, or suggested in the combination of Ike '112 and Sodos '623. Thus this rejection is requested to be withdrawn.

Claim 3 is nonobvious over Ike '112 in view of "Fishman '887

Claim 3 is nonobvious over Ike '112 in view of "Fishman '887 because of the discussions above regarding Ike' 112's lack of material relevance to claim 1 and because

Fishman '887's supposed teachings of transmitting a wireless network address does not add up to (nor disclose, teach, or suggest) the claimed subject matter of claim 3, namely, handshaking a wireless network address between two handshake plugs of two wireless devices such that the handshaking initiates a secondary communication connection in order to configure the two devices for transmitting/receiving data over the primary wireless network. Thus, this rejection is requested to be withdrawn.

Claim 10 is nonobvious over Ike '112 in view of Trost '275"

Claim 10 is nonobvious over Ike '112 in view of Trost '275" for the same reasons discussed above related to the nonrelevance of Ike '112. Claim 10 discloses a subspecies in which the method of a secondary communication link between the handshake plugs is accomplished through a short-range, radio-frequency transmitter and receiver that is closely positioned to the other plug during handshaking. The combination of Trost '275, which Applicant acknowledges teaches a closely positioned Bluetooth transceiver (but only for a single wireless means of connection), and Ike '112 still does not disclose, teach, or suggest that which is claimed in claim 10. Thus, this rejection is requested to be withdrawn.

Claims 11, 19, and 20 are nonobvious over Ike '112 in view of Tsai '268

Claims 11, 19, and 20 are nonobvious over Ike '112 in view of Tsai '268 for the same reasons discussed above, namely, Ike '112 is not a 102 reference regarding claims 11, 19, and 20 (or their respective independent claims), and that the teachings of Tsai '268 do not render the claimed combination of claims 11, 19, and 20. Therefore, this rejection is also requested to be withdrawn.

Allowable Subject Matter

As discussed above, claim 8 was deemed allowable if rewritten in independent form (and containing all limitations of intervening claims). Claim 8 depended directly from claim 1, and all limitations from claim 1 have been added to claim 8, which is now in independent form. Thus, allowance of claim 8 is respectfully requested.

New Claims

Claims 4-6 have been deleted and new claims 21-23, and 24-26, which depend from (now amended) claims 13 and 14, respectively, have been added. No new matter has been added. Because independent claims 13 and 14 are believed to be allowable, claims 21-23 and 24-26 are also believed to be allowable. Early consideration of the new claims is respectfully requested.

Conclusion

For the reasons stated above, claims 1-3, 7, and 9-20 (and now new claims 21-26) are neither anticipated nor rendered obvious by the cited prior art. Thus, the Applicant respectfully requests withdrawal of the rejections as it relates to claims 1-3, 7, and 9-20 and early allowance of these claims as well as newly added dependent claims 21-26. Claim 8, which was deemed allowable if rewritten into independent form, has been so rewritten. Early allowance of claim 8 is respectfully requested.

If there are any remaining issues, the Examiner is invited to contact the Applicant's Attorney of Record at the undersigned phone number.

RESPECTFULLY SUBMITTED,

By: 
Kathleen T. Petrich, Reg. No. 37,205
Stokes Lawrence, P.S.
800 Fifth Avenue, Suite 4000
Seattle, WA 98104-3179
T: 206.626-6000
F: 206.464-1496
E-mail: kathleen.petrich@stokeslaw.com
Attorney for Applicant

Enclosure: Fee sheet and petition for 1-month extension
Check in the amount of \$92.00
Acknowledgment postcard